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FILED
DISTRICT COURT OF GUAM
JUN 30 2009 *Agon*
JEANNE G. QUINATA
Clerk of Court

4 Attorneys for Plaintiff
5 ***Debbie Ann Reyes Perez***

7 IN THE DISTRICT COURT OF GUAM

8 -----
9 DEBBIE ANN REYES PEREZ,) CIVIL CASE NO. CV08-00007
10)
11 Plaintiff,)
12)
13 vs.) **DECLARATION OF FACTS**
14)
15 SUPERIOR COURT OF GUAM,)
16)
17 Defendant.)
18 -----

15 **I, DEBBIE ANN REYES PEREZ, hereby declare as follows:**

- 16 1. I am over the age of eighteen (18) years and the Plaintiff in the above-captioned case.
17 2. I make this Declaration on personal knowledge except as otherwise indicated.
18 3. I have previously set forth the within facts in my Equal Employment Opportunity
19 Commission Complaint or in discovery and would testify competently as to these facts if called by
20 the Court.
21 4. I have been employed since 2001 as a deputy marshal for the Superior Court of
22 Guam.
23 5. At no time after my initial orientation did I receive any sexual harassment or Title VII

1 training until after my complaints logged with Defendant in 2006.

2 6. I have been the victim of sexual harassment in my workplace committed by my co-
3 worker, Alan Ecle. While on duty, Deputy Marshal II Alan Ecle had physically assaulted me on
4 numerous occasions. The first incident of unwelcomed sexual harassment from Alan Ecle occurred
5 on my birthday, July 1, 2002. Ecle invited me to lunch but as we drove back to the Court, Ecle
6 pulled over the official car we were driving in in front of the Maina lookout point. Ecle tried to grab
7 my breast and kiss me. I pushed and shoved him away and told him "no", that I want him to stop
8 and return to the office. Ecle was upset, swore at me and told me that "that" was what I wanted. We
9 were on duty and both carried weapons. I was scared and cried on the way back.

10 7. On another occasion, Ecle assaulted me in the basement floor of the Superior Court
11 building near the marshal's area by the control room. Ecle had brought an inmate to lock-up. I
12 thought Ecle had left. I was sitting in a chair facing the monitors and suddenly he came up behind
13 me and grabbed my breasts with both hands. I was kicking to get away. He said "I know you want
14 this." I recognized Ecle's voice and saw his reflection in the glass of the monitor room. Ecle just
15 laughed and pushed me away. I was shocked, confused and upset. I felt violated. I got someone
16 to relieve me from my duty station. I walked to the bathroom and cried.

17 8. On another occasion, Ecle grabbed me, pinning my arms to my side, lifted me off the
18 ground and kissed me. When he did that, I couldn't move. I was offended, violated, angry and
19 frightened.

20 9. On yet another occasion, Ecle did just about the same thing. I was grabbed by Ecle,
21 lifted up by him and kissed before I could push him away and tell him to stop. When he let me go,
22 he pushed me away causing me to fall.

23 10. Besides the physical assaults, Ecle would look or stare at me when we were in

1 courtrooms or meetings. I was being terrorized by the manner in which Ecle looked at me. I didn't
2 know what to do. I was extremely uncomfortable and fearful because of the manner in which he
3 acted at those times and because of the times he had physically assaulted me in the past.

4 11. I felt trapped and intimidated in the Marshal's Division, because I didn't want to have
5 to face the embarrassment of my peers knowing about what was happening to me. I also didn't
6 know who to trust. I thought that an incident of this nature is very emotional and exhausting to deal
7 with. I didn't report this to anyone, but I confided the incidents with DMI Jennifer Cunha (formerly
8 Jennifer Stone) but she never suggested that I seek help or report the incidents.

9 12. I recounted these above incidents to the Equal Employment Officer, John Taijeron,
10 Dr. Archana Leon Guerrero and to opposing counsel among others.

11 13. During the Christmas holidays, although he knew I got a divorce and that I had a
12 boyfriend, he still approached me and kept insisting by asking me when I was going to make time
13 for him. I repeatedly told him that I would never make time for him and to leave me alone, I even
14 verbally warned him that I would tell on him if he persisted to harass me and he would just laugh
15 at me and smirk.

16 14. In early February 2006, Marshal Ecle again grabbed me, pinned my arms to my side,
17 lifted me off the ground and forcefully kissed me. I struggled to break loose and yelled for him to
18 stop. Again, he dropped me and shoved me away. I was increasingly and painfully reminded that
19 he carried a firearm. I was terrified of what he may be capable of doing.

20 15. I met with John Taijeron on February 16, 2006 to report Ecle's harassing conduct.
21 I recounted some of the events outlined above. Taijeron asked if I wanted to file a formal
22 complaint. I thought a formal complaint meant a police report which I did not want to do so I told
23 him no. I just wanted Ecle to stop. I wanted to be able to go to work and just work without fear of

1 him, without worrying where he was going to be, without worrying if he was going to be lurking
2 around the corner. I wanted to be able to work without having to watch my back all the time.

3 16. I expressed to Tajeron the anxiety and intimidation I was feeling every time I hear
4 Marshal Ecle's voice at work, and that I always attempted to avoid him coming near me at every
5 chance I could get. I also had indicated that I was terrified of what he may be capable of doing and
6 that I strongly felt that Marshal Ecle would again sexually assault me.

7 17. On April 12, 2006, at around 1600-1630, I had to escort an inmate to Judge
8 Lamorena's. When I got to the holding cell area, Marshal Ecle was there. I was very uncomfortable,
9 anxious and terrified, because Ecle was leering at me. I was not sure whether Ecle had been told that
10 someone filed an informal complaint against him or had counseled him. At the first opportunity, I
11 immediately exited from the holding cell area and remained in the courtroom where Marshal Ecle
12 would be prevented from attacking me, staring at me or further harassing me.

13 18. On April 17, 2006, at 1600, I escorted a female traffic warrant to traffic court. Ecle
14 stood at the top of the stairwell; again, leering at me, he wouldn't move. He was carrying his firearm
15 and I was terrified by him. That evening, I was extremely anxious, terrified and angry; I couldn't
16 sleep.

17 19. The morning of April 18, 2006, I reflected on all the past and present incidents with
18 Marshal Ecle. I prayed so many times for it to just end. I felt uncontrollably depressed and cried
19 whenever I thought about each and every time Marshal Ecle physically and verbally assaulted me.
20 As soon as I came in, I immediately tried to contact Marshal Tajeron, in person and via telephone,
21 I even left a note on his door and I tried to alert him on his I-connect radio.

22 20. I then felt so much anxiety. Marshal Christopher Roberto was taking a break, and I
23 again inquired about the whereabouts of Marshal Tajeron. During our conversation I found out that

1 Marshal Roberto was still assisting SIU, so I asked him to meet with me. He informed me that he
2 needed to get approval from the Marshal of the Court because his current assignment was to train
3 the newly appointed deputy marshals.

4 21. After lunch, Marshal Roberto met with me at my assigned post and we discussed
5 Ecle's harassment and assaults I couldn't stop crying. I was then relieved of my duty at Post 1 Bravo
6 and had a meeting with Chief Marshal Pito Cruz, Supervisor Roque Manglona, DMIII Christopher
7 Roberto and Valerie Cruz (Marshal Division Secretary). During our meeting, Chief Pito Cruz
8 commented that there had been other complaints filed or made against Ecle. Valerie Cruz also stated
9 to Chief Pito Cruz in my presence that Ecle harassed her once before by touching her breasts.

10 22. The Superior Court never conducted an investigation into my complaints or spoke
11 to Ecle about my Complaints.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct.

14 Executed at Hagåtña, Guam on June 29, 2009.

15
16 
17 **DEBBIE ANN REYES PEREZ now known**
18 **as DEBBIE ANN CERTEZA**